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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,063	02/25/2004	Darryl C. Bassani	BASSA.023A	9542
20995	7590	02/22/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			EDWARDS, LOREN C	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			3748	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/787,063	Applicant(s) BASSANI, DARRYL C.	
	Examiner Loren C. Edwards	Art Unit 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/25/04 and 12/19/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/25/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This action is response to the amendment filed on 12/19/05.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 2/25/04 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Drawings

3. The drawings were received on 12/19/05. These drawings are acceptable.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-2, 5-6, 8-11, 13-15, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (U.S. Pat. No. 5,636,515) in view of Coff (U.S. Pat. No. 5,944,322). Matsumoto discloses an exhaust header for collecting exhaust gases from an internal combustion engine (Col. 6, Line 49 – Col. 7, Line 25; Fig. 15, No. 30₃), the exhaust header comprising: a plurality of metal flanges (Col. 6, Line 49 – Col. 7, Line 25; Fig. 15, No. 32₃; Col. 3, Lines 15-18), each having a recessed, substantially circular (annular) sealing surface that is configured to circumscribe an exhaust port on an internal combustion engine (Col. 6, Line 49 – Col. 7, Line 25; Fig. 15, No. 55-57), wherein at least a portion of the recessed sealing surface is exposed to an inside of the flange; a plurality of gaskets (Col. 6, Line 49 – Col. 7, Line 25; Fig. 16, No. 58-60), each located in the recessed sealing surface and configured to

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form separate seals between each flange and the engine around the exhaust port; a plurality of head pipes (Col. 6, Line 49 – Col. 7, Line 25; Fig. 15, No. 34₁-36₁) in flow communication with the plurality of flanges and configured to route exhaust gases from the plurality of flanges; and a collector (Col. 6, Line 49 – Col. 7, Line 25; Fig. 15, No. 37) having a plurality of inlet ports connected to the plurality of head pipes. Matsumoto fails to specifically describe the material of the gaskets. Specifically, Matsumoto fails to disclose the gaskets being made of reinforced graphite with a melting temperature of at least 2000 degrees Fahrenheit. Coff teaches the material for a gasket being used in an internal combustion engine application being made of graphite (Column 4, Line 12). Coff explains how such a gasket would be economical to manufacture and capable of withstanding the prolonged exposure to high temperatures and thermal cyclings found in the environment of an internal combustion engine (Column 4, Lines 14-19). Coff also discloses a graphite gasket wherein the graphite protrudes above the mating surface (Fig. 5 t₁' and t₂'). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the graphite from the sealing ring of Coff in the Matsumoto manifold to enhance the compressive, heat resistant, and overall sealing characteristics of the ring. With regards to the method of assembly set forth in claims 19-20, and 22, such would be inherent to the modified Matsumoto device in that it involves all the same elements as claimed, and would inherently be assembled by the method claimed.

5. In regards to claim 5 and 14 Matsumoto does not disclose expressly a recess having a depth of approximately 0.1 inches. At the time the invention was made, it

would have been an obvious matter of design choice to a person of ordinary skill in the art to set the depth of the recess to 0.1 inches because Applicant has not disclosed that a depth of 0.1 inches provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a recess of another depth because it would have allowed for another sized gasket to fit in the recess.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view of Coff as applied to claim 2 above, and further in view of Itoh (U.S. Patent No. 6,256,990). Matsumoto discloses a flange with two bolt holes except the bolt holes are closed. The Itoh reference teaches a means for attaching a header or manifold to an engine, which uses an open bolt hole (Figure 1 Numbers 11b, and 14b). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the closed hole design of Matsumoto to an open bolt hole design in view of the teachings of Itoh for ease of placement and assembly in that open bolt design only requires loosening of the bolts instead of removal for servicing.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto as applied to claim 1 above, and further in view of Kaifel et al. (U.S. Pat. No. 6,254,142). The modified Matsumoto discloses the exhaust header of claim 1, but fails to specifically discuss the flange comprising a chamfered inside surface so as to provide a transition between an inner surface of the flange and an inside diameter of the head pipe. Kaifel discloses an exhaust manifold flange for an internal combustion engine that comprises a flange on the inside diameter of the flange where the exhaust port of the

engine will transition into the inside diameter of the exhaust pipe (Figs. 7-8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the chamfer as taught by Kaifel in the header of Matsumoto for the advantage of promoting a smooth laminar flow.

8. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view of Coff as applied to claims 1 and 10 above, and further in view of Inman (U.S. Patent No. 5,148,675). The modified Matsumoto discloses an exhaust header with a recessed sealing surface but fails to disclose one with a rectangular shape. Inman teaches an exhaust manifold with a substantially rectangular shape. It would be obvious to one having ordinary skill in the art at the time the invention was made to make the shape of the exhaust passage of the header the same shape as the opening of the engine head's exhaust port that it mates to. Many engines have rectangular exhaust ports and to make the header's ports and sealing surfaces the same shape would minimize resistance between the two.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view of Coff as applied to claim 11/10 above, and further in view of Adams (U.S. Patent No. 4,968,066). The modified Matsumoto discloses a metallic flange for use with a header but does not disclose the specific material. Adams teaches a similar flange made of iron, which can be economically produced (Column 3, Lines 56-59). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the flange of Matsumoto out of iron in view of Adams to reduce the cost of materials.

10. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view of Coff as applied to claim 10 above, and further in view of Brooks (U.S. Patent No. 3,875,744). The modified Matsumoto discloses an apparatus configured to attach an exhaust pipe to an engine head to form an exhaust header but lacks a cross-sectional area which varies, or which increases. Brooks teaches an exhaust system which has a cross sectional area that both varies and increases as it moves away from the engine (Fig. 1-3). It would have been obvious to one having ordinary skill in the art at the time of the invention to make a flange that had a cross sectional area that varied and increased in order to reduce the back pressure of an exhaust system.

Response to Arguments

11. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loren C. Edwards whose telephone number is (571) 272-2765. The examiner can normally be reached on M-TH 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571)272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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